

# Exhibit 12

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**From:** Peter Haven <peter@havenlaw.com>  
**Sent:** Friday, September 29, 2017 8:54 AM  
**To:** Victor Otten; Deborah Hernandez; Aaron G. Miller; Caroline Lee; Dana Alden Fox; Daniel M. Crowley; Edward Ward; Eric Y. Kizirian; J. Patrick Carey; Jacob Song; John P. Worgul; Kavita Tekchandan; Kurt A. Franklin; Landon D. Bailey; Mark C. Fields; Peter Crossin; Richard Dieffenbach; Robert Mackey; Robert S. Cooper; Samantha Wolff; Tera Lutz; Thomas Phillips; Tyson M. Shower  
**Cc:** Tiffany L. Bacon; Alison Hurley  
**Subject:** Re: Spencer, et al. v. Lunada Bay Boys, et al. - Papayans Document Production / DA Cell Phone Records - HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY

Vic

I forwarded your email to the defense counsel, and the person I have been working with conducted another search.

They have produced additional documents to me, including what I believe are the additional text messages that you refer to below.

I do not believe that anyone was playing games, simply not looking in the right places as I understand it.

Regardless, I am reviewing the documents and plan to produce them later today.

Thank you

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**From:** Victor Otten <vic@ottenlawpc.com>  
**To:** Peter Haven <peter@havenlaw.com>; Deborah Hernandez <dherandez@bremerwhyte.com>; Aaron G. Miller <amiller@thephillipsfirm.com>; Caroline Lee <clee@hansonbridgett.com>; Dana Alden Fox <Dana.Fox@lewisbrisbois.com>; Daniel M. Crowley <dmcrowley@boothmitchel.com>; Edward Ward <edward.ward@lewisbrisbois.com>; Eric Y. Kizirian <eric.kizirian@lewisbrisbois.com>; J. Patrick Carey <pat@patcareylaw.com>; Jacob Song <jacob.song@kutakrock.com>; John P. Worgul <jworgul@veatchfirm.com>; Kavita Tekchandan <kavita@ottenlawpc.com>; Kurt A. Franklin <kfranklin@hansonbridgett.com>; Landon Bailey <lbailey@hansonbridgett.com>; Mark C. Fields <fields@markfieldslaw.com>; Peter Crossin <pcrossin@veatchfirm.com>; Richard Dieffenbach <rdieffenbach@veatchfirm.com>; Robert Mackey <rmackey@veatchfirm.com>; Robert S. Cooper <rcooper@buchalter.com>; Samantha Wolff <swolff@hansonbridgett.com>; Tera Lutz <tera.lutz@lewisbrisbois.com>; Thomas Phillips <tphillips@thephillipsfirm.com>; Tyson M. Shower <tshower@hansonbridgett.com>  
**Cc:** Tiffany L. Bacon <tbacon@bremerwhyte.com>; Alison Hurley <ahurley@bremerwhyte.com>  
**Sent:** Tuesday, September 26, 2017 5:54 PM  
**Subject:** RE: Spencer, et al. v. Lunada Bay Boys, et al. - Papayans Document Production / DA Cell Phone Records - HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY

Peter,

I just spoke with Assistant District Attorney Michele Hanisee to gather further information regarding the records produced to your client's criminal defense attorney as evidenced by the signed discovery receipts. The discovery receipts demonstrate that the following discovery was turned to your clients criminal defense attorney on CDs:

LAPD CD No. 674190 Phone Records – 7 files of phone records

LAPD CD No. 684031 Phone Records – 12 PDFs and 7 files of phone records

LAPD CD No. 684059 Phone Records – Dodger – 11 files in 2 folders.

LAPD CD No. 690201 (or 690021) Michael Papayans Text Messages – SW#73450

LAPD CD No. 648820 Michael Papayans cell phone analysis – SW#73449

LAPD CD No. 690021 (or 690201) are M. Papayans text messages for the period Jan – Feb 2016 (obtained from the service provider pursuant to a search warrant). The ADA stated that there were 502 pages produced to Mr. Papayan's criminal defense lawyers on just the CD containing the text messages. You provided 9 pages of text messages covering only the period of Feb. 5 to Feb. 10, 2016. What happened to the 493 pages that were included just on CD No. 690021?

Because I do not believe that you would intentionally fail to turn over these documents, I have to assume that the defense attorney is playing games which will be addressed in the upcoming court hearings. You are now on notice that there are a minimum of 493 documents containing text messages that were given to your client's defense attorney on CDs and that you have not turned them over.

Victor Otten, Esq.

**OTTEN LAW, PC**

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Please consider the environment before printing this e-mail message.

**From:** Peter Haven [mailto:[peter@havenlaw.com](mailto:peter@havenlaw.com)]

**Sent:** Tuesday, September 26, 2017 8:33 AM

**To:** Victor Otten <[vic@ottenlawpc.com](mailto:vic@ottenlawpc.com)>; Deborah Hernandez <[dhernandez@bremerwhyte.com](mailto:dhernandez@bremerwhyte.com)>; Aaron G. Miller <[amiller@thephillipsfirm.com](mailto:amiller@thephillipsfirm.com)>; Caroline Lee <[clee@hansonbridgett.com](mailto:clee@hansonbridgett.com)>; Dana Alden Fox <[Dana.Fox@lewisbrisbois.com](mailto:Dana.Fox@lewisbrisbois.com)>; Daniel M. Crowley <[dmcrowley@boothmitchel.com](mailto:dmcrowley@boothmitchel.com)>; Edward Ward <[edward.ward@lewisbrisbois.com](mailto:edward.ward@lewisbrisbois.com)>; Eric Y. Kizirian <[eric.kizirian@lewisbrisbois.com](mailto:eric.kizirian@lewisbrisbois.com)>; J. Patrick Carey <[pat@patcareylaw.com](mailto:pat@patcareylaw.com)>; Jacob Song <[jacob.song@kutakrock.com](mailto:jacob.song@kutakrock.com)>; John P. Worgul <[jworgul@veatchfirm.com](mailto:jworgul@veatchfirm.com)>; Kavita Tekchandan <[kavita@ottenlawpc.com](mailto:kavita@ottenlawpc.com)>; Kurt A. Franklin <[kfranklin@hansonbridgett.com](mailto:kfranklin@hansonbridgett.com)>; Landon Bailey <[lbailey@hansonbridgett.com](mailto:lbailey@hansonbridgett.com)>; Mark C. Fields <[fields@markfieldslaw.com](mailto:fields@markfieldslaw.com)>; Peter Crossin <[pcrossin@veatchfirm.com](mailto:pcrossin@veatchfirm.com)>; Richard Dieffenbach <[rdieffenbach@veatchfirm.com](mailto:rdieffenbach@veatchfirm.com)>; Robert Mackey <[rmackey@veatchfirm.com](mailto:rmackey@veatchfirm.com)>; Robert S. Cooper <[rcooper@buchalter.com](mailto:rcooper@buchalter.com)>; Samantha Wolff <[swolff@hansonbridgett.com](mailto:swolff@hansonbridgett.com)>; Tera Lutz <[tera.lutz@lewisbrisbois.com](mailto:tera.lutz@lewisbrisbois.com)>; Thomas Phillips <[tphillips@thephillipsfirm.com](mailto:tphillips@thephillipsfirm.com)>; Tyson M. Shower <[tshower@hansonbridgett.com](mailto:tshower@hansonbridgett.com)>

**Cc:** Tiffany L. Bacon <[tbacon@bremerwhyte.com](mailto:tbacon@bremerwhyte.com)>; Alison Hurley <[ahurley@bremerwhyte.com](mailto:ahurley@bremerwhyte.com)>

**Subject:** Re: Spencer, et al. v. Lunada Bay Boys, et al. - Papayans Document Production / DA Cell Phone Records - HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY

Prior to the production, his defense counsel told me those were all the cell phone records they had. I conferred with them again yesterday, after receiving your email, which I forwarded to them.

They again told me that those were all the records they had. I produced everything they gave me. I did not withhold anything.

**From:** Victor Otten <[vic@ottenlawpc.com](mailto:vic@ottenlawpc.com)>  
**To:** Peter Haven <[peter@havenlaw.com](mailto:peter@havenlaw.com)>; Deborah Hernandez <[dhernandez@bremerwhyte.com](mailto:dhernandez@bremerwhyte.com)>; Aaron G. Miller <[amiller@thephillipsfirm.com](mailto:amiller@thephillipsfirm.com)>; Caroline Lee <[clee@hansonbridgett.com](mailto:clee@hansonbridgett.com)>; Dana Alden Fox <[Dana.Fox@lewisbrisbois.com](mailto:Dana.Fox@lewisbrisbois.com)>; Daniel M. Crowley <[dmcrowley@boothmitchel.com](mailto:dmcrowley@boothmitchel.com)>; Edward Ward <[edward.ward@lewisbrisbois.com](mailto:edward.ward@lewisbrisbois.com)>; Eric Y. Kizirian <[eric.kizirian@lewisbrisbois.com](mailto:eric.kizirian@lewisbrisbois.com)>; J. Patrick Carey <[pat@patcareylaw.com](mailto:pat@patcareylaw.com)>; Jacob Song <[jacob.song@kutakrock.com](mailto:jacob.song@kutakrock.com)>; John P. Worgul <[jworgul@veatchfirm.com](mailto:jworgul@veatchfirm.com)>; Kavita Tekchandan <[kavita@ottenlawpc.com](mailto:kavita@ottenlawpc.com)>; Kurt A. Franklin <[kfranklin@hansonbridgett.com](mailto:kfranklin@hansonbridgett.com)>; Landon Bailey <[lbailey@hansonbridgett.com](mailto:lbailey@hansonbridgett.com)>; Mark C. Fields <[fields@markfieldslaw.com](mailto:fields@markfieldslaw.com)>; Peter Crossin <[pcrossin@veatchfirm.com](mailto:pcrossin@veatchfirm.com)>; Richard Dieffenbach <[rdieffenbach@veatchfirm.com](mailto:rdieffenbach@veatchfirm.com)>; Robert Mackey <[rmackey@veatchfirm.com](mailto:rmackey@veatchfirm.com)>; Robert S. Cooper <[rcooper@buchalter.com](mailto:rcooper@buchalter.com)>; Samantha Wolff <[swolff@hansonbridgett.com](mailto:swolff@hansonbridgett.com)>; Tera Lutz <[tera.lutz@lewisbrisbois.com](mailto:tera.lutz@lewisbrisbois.com)>; Thomas Phillips <[tphillips@thephillipsfirm.com](mailto:tphillips@thephillipsfirm.com)>; Tyson M. Shower <[tshower@hansonbridgett.com](mailto:tshower@hansonbridgett.com)>  
**Cc:** Tiffany L. Bacon <[tbacon@bremerwhyte.com](mailto:tbacon@bremerwhyte.com)>; Alison Hurley <[ahurley@bremerwhyte.com](mailto:ahurley@bremerwhyte.com)>  
**Sent:** Saturday, September 23, 2017 9:20 PM  
**Subject:** RE: Spencer, et al. v. Lunada Bay Boys, et al. - Papayans Document Production / DA Cell Phone Records - HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY

Peter,

Attached to this email are the discovery receipts provided to me by Deputy District Attorney Michele Hanisse which show what phone records were provided to Mr. Papayans criminal defense attorney Louise Sepe. Your email states that "MP 84 to MP 116 are copies of the DA cell phone records provided to me by Michael Papayans' defense counsel in the criminal case." It is not clear from your email if you are turning over all of the discovery related to the phone provided to Mr. Sepe as part of the criminal case or if some documents are being withheld.

In my review of what you provided, the attached discovery receipts and communications with the ADA, it seems that there are still records missing. Please confirm that you have turned over the following:

LAPD CD No. 674190 Phone Records – 7 files of phone records  
LAPD CD No. 684031 Phone Records – 12 PDFs and 7 files of phone records  
LAPD CD No. 684059 Phone Records – Dodger – 11 files in 2 folders.  
LAPD CD No. 690201 Michael Papayans Text Messages – SW#73450  
LAPD CD No. 648820 Michael Papayans cell phone analysis – SW#73449

I have been informed that Mr. Papayans text messages obtained by the LAPD covered the period of Jan – Feb 2016. The records that you provided, however, only cover the period of Feb. 5, 2016 to Feb. 10, 2016. I have also been informed that there are relevant text messages involving your client and others who surf Lunada Bay in the documents provided to Mr. Sepe including messages on Jan. 22 and 29, 2016.

Please confirm if you have provided us all of the phone records provided by the Deputy District Attorney to your clients criminal defense attorney.

Victor Otten, Esq.

OTTEN LAW, PC

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**From:** Peter Haven [<mailto:peter@havenlaw.com>]  
**Sent:** Friday, September 22, 2017 8:36 AM  
**To:** Deborah Hernandez <[dhernandez@bremerwhyte.com](mailto:dhernandez@bremerwhyte.com)>; Aaron G. Miller <[amiller@thephillipsfirm.com](mailto:amiller@thephillipsfirm.com)>; Caroline Lee <[clee@hansonbridgett.com](mailto:clee@hansonbridgett.com)>; Dana Alden Fox <[Dana.Fox@lewisbrisbois.com](mailto:Dana.Fox@lewisbrisbois.com)>; Daniel M. Crowley <[dmcrowley@boothmitchel.com](mailto:dmcrowley@boothmitchel.com)>; Edward Ward <[edward.ward@lewisbrisbois.com](mailto:edward.ward@lewisbrisbois.com)>; Eric Y. Kizirian <[eric.kizirian@lewisbrisbois.com](mailto:eric.kizirian@lewisbrisbois.com)>; J. Patrick Carey <[pat@patcareylaw.com](mailto:pat@patcareylaw.com)>; Jacob Song <[jacob.song@kutakrock.com](mailto:jacob.song@kutakrock.com)>; John P. Worgul <[jworgul@veatchfirm.com](mailto:jworgul@veatchfirm.com)>; Kavita Tekchandan <[kavita@ottenlawpc.com](mailto:kavita@ottenlawpc.com)>; Kurt A. Franklin <[kfranklin@hansonbridgett.com](mailto:kfranklin@hansonbridgett.com)>; Landon Bailey <[lbailey@hansonbridgett.com](mailto:lbailey@hansonbridgett.com)>; Mark C. Fields <[fields@markfieldslaw.com](mailto:fields@markfieldslaw.com)>; Peter Crossin <[pcrossin@veatchfirm.com](mailto:pcrossin@veatchfirm.com)>; Richard Dieffenbach <[rdieffenbach@veatchfirm.com](mailto:rdieffenbach@veatchfirm.com)>; Robert Mackey <[rmacroy@veatchfirm.com](mailto:rmacroy@veatchfirm.com)>; Robert S. Cooper <[rcooper@buchalter.com](mailto:rcooper@buchalter.com)>; Samantha Wolff <[swolff@hansonbridgett.com](mailto:swolff@hansonbridgett.com)>; Tera Lutz <[tera.lutz@lewisbrisbois.com](mailto:tera.lutz@lewisbrisbois.com)>; Thomas Phillips <[tphillips@thephillipsfirm.com](mailto:tphillips@thephillipsfirm.com)>; Tyson M. Shower <[tshower@hansonbridgett.com](mailto:tshower@hansonbridgett.com)>; Victor Otten <[vic@ottenlawpc.com](mailto:vic@ottenlawpc.com)>  
**Cc:** Tiffany L. Bacon <[tbacon@bremerwhyte.com](mailto:tbacon@bremerwhyte.com)>; Alison Hurley <[ahurley@bremerwhyte.com](mailto:ahurley@bremerwhyte.com)>  
**Subject:** Spencer, et al. v. Lunada Bay Boys, et al. - Papayans Document Production / DA Cell Phone Records - HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY

Dear All:

Attached labeled MP 84 to MP 116 are copies of the DA cell phone records provided to me by Michael Papayans' defense counsel in the criminal case.

I redacted minimal information as indicated on pages MP 85, 88, 91, 92, 93.

The redacted information is Irrelevant, Not Responsive, and Private.

All of these documents are designated **HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**.

Thank you.  
Peter Haven

**From:** Peter Haven <[peter@havenlaw.com](mailto:peter@havenlaw.com)>  
**To:** Deborah Hernandez <[dhernandez@bremerwhyte.com](mailto:dhernandez@bremerwhyte.com)>; Aaron G. Miller <[amiller@thephillipsfirm.com](mailto:amiller@thephillipsfirm.com)>; Caroline Lee <[clee@hansonbridgett.com](mailto:clee@hansonbridgett.com)>; Dana Alden Fox <[Dana.Fox@lewisbrisbois.com](mailto:Dana.Fox@lewisbrisbois.com)>; Daniel M. Crowley <[dmcrowley@boothmitchel.com](mailto:dmcrowley@boothmitchel.com)>; Edward Ward <[edward.ward@lewisbrisbois.com](mailto:edward.ward@lewisbrisbois.com)>; Eric Y. Kizirian <[eric.kizirian@lewisbrisbois.com](mailto:eric.kizirian@lewisbrisbois.com)>; J. Patrick Carey <[pat@patcareylaw.com](mailto:pat@patcareylaw.com)>; Jacob Song <[jacob.song@kutakrock.com](mailto:jacob.song@kutakrock.com)>; John P. Worgul <[jworgul@veatchfirm.com](mailto:jworgul@veatchfirm.com)>; Kavita Tekchandan <[kavita@ottenlawpc.com](mailto:kavita@ottenlawpc.com)>; Kurt A. Franklin <[kfranklin@hansonbridgett.com](mailto:kfranklin@hansonbridgett.com)>; Landon Bailey <[lbailey@hansonbridgett.com](mailto:lbailey@hansonbridgett.com)>; Mark C. Fields <[fields@markfieldslaw.com](mailto:fields@markfieldslaw.com)>; Peter Crossin <[pcrossin@veatchfirm.com](mailto:pcrossin@veatchfirm.com)>; Richard Dieffenbach <[rdieffenbach@veatchfirm.com](mailto:rdieffenbach@veatchfirm.com)>; Robert Mackey <[rmacroy@veatchfirm.com](mailto:rmacroy@veatchfirm.com)>; Robert S. Cooper <[rcooper@buchalter.com](mailto:rcooper@buchalter.com)>; Samantha Wolff <[swolff@hansonbridgett.com](mailto:swolff@hansonbridgett.com)>; Tera Lutz

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**Cc:** Tiffany L. Bacon <[tbacon@bremerwhyte.com](mailto:tbacon@bremerwhyte.com)>; Alison Hurley <[ahurley@bremerwhyte.com](mailto:ahurley@bremerwhyte.com)>  
**Sent:** Monday, September 11, 2017 2:42 PM  
**Subject:** Spencer, et al. v. Lunada Bay Boys, et al. - Papayans Document Production / Cell Phone Extraction Report - HIGHLY CONFIDENTIAL ATTORNEYS EYES ONLY

Dear All:

Attached are copies (Excel Spreadsheet and PDF) of the Cell Phone Extraction Report for Michael Papayans' cell phone.

Pursuant to the Stipulated Protective Order, I am designating all these documents as **HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**.

Note to Plaintiffs' Counsel:

Meridian reported that the proposed terms "ANT" and "STRONG" were prone to producing a large number of false positives, and therefore were excluded from the attached filtering.

Otherwise, the Extraction Report includes all the proposed search terms in your August 4 email.

Thank you.

Peter Haven

**From:** Peter Haven <[peter@havenlaw.com](mailto:peter@havenlaw.com)>  
**To:** Deborah Hernandez <[dhernandez@bremerwhyte.com](mailto:dhernandez@bremerwhyte.com)>; Aaron G. Miller <[amiller@thephillipsfirm.com](mailto:amiller@thephillipsfirm.com)>; Caroline Lee <[clee@hansonbridgett.com](mailto:clee@hansonbridgett.com)>; Dana Alden Fox <[Dana.Fox@lewisbrisbois.com](mailto:Dana.Fox@lewisbrisbois.com)>; Daniel M. Crowley <[dmcrowley@boothmitchel.com](mailto:dmcrowley@boothmitchel.com)>; Edward Ward <[edward.ward@lewisbrisbois.com](mailto:edward.ward@lewisbrisbois.com)>; Eric Y. Kizirian <[eric.kizirian@lewisbrisbois.com](mailto:eric.kizirian@lewisbrisbois.com)>; J. Patrick Carey <[pat@patcareylaw.com](mailto:pat@patcareylaw.com)>; Jacob Song <[jacob.song@kutakrock.com](mailto:jacob.song@kutakrock.com)>; John P. Worgul <[jworgul@veatchfirm.com](mailto:jworgul@veatchfirm.com)>; Kavita Tekchandani <[kavita@ottenlawpc.com](mailto:kavita@ottenlawpc.com)>; Kurt A. Franklin <[kfranklin@hansonbridgett.com](mailto:kfranklin@hansonbridgett.com)>; Landon Bailey <[lbailey@hansonbridgett.com](mailto:lbailey@hansonbridgett.com)>; Mark C. Fields <[fields@markfieldslaw.com](mailto:fields@markfieldslaw.com)>; Peter Crossin <[pcrossin@veatchfirm.com](mailto:pcrossin@veatchfirm.com)>; Richard Dieffenbach <[rdieffenbach@veatchfirm.com](mailto:rdieffenbach@veatchfirm.com)>; Robert Mackey <[rmackey@veatchfirm.com](mailto:rmackey@veatchfirm.com)>; Robert S. Cooper <[rcooper@buchalter.com](mailto:rcooper@buchalter.com)>; Samantha Wolff <[swolff@hansonbridgett.com](mailto:swolff@hansonbridgett.com)>; Tera Lutz <[tera.lutz@lewisbrisbois.com](mailto:tera.lutz@lewisbrisbois.com)>; Thomas Phillips <[tphillips@thephillipsfirm.com](mailto:tphillips@thephillipsfirm.com)>; Tyson M. Shower <[tshower@hansonbridgett.com](mailto:tshower@hansonbridgett.com)>; Victor Otten <[vic@ottenlawpc.com](mailto:vic@ottenlawpc.com)>  
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**Sent:** Monday, May 15, 2017 10:41 AM  
**Subject:** Spencer, et al. v. Lunada Bay Boys, et al. - Papayans Document Production

Dear All:

Please see attached cell phone records produced by Michael Papayans, labeled MP1 to MP83.

Thank you.

Peter T. Haven, Esq.

**HAVEN LAW**

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